

# Exhibit 73

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR  
ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH  
CAROLINA, et al.,

Defendants.

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SECOND AMENDED DEPOSITION  
OF  
ANDREW PARRISH

THIS DEPOSITION CONTAINS HIGHLY CONFIDENTIAL AND  
PROPRIETARY INFORMATION AND IS SUBJECT TO A PROTECTIVE  
ORDER RESTRICTING PUBLIC DISCLOSURE OF ITS CONTENTS

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TAKEN AT THE OFFICES OF:  
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL  
222 East Cameron Avenue  
110 Bynum Hall  
Chapel Hill, NC 27514

06-21-17  
9:02 A.M.

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1 immediately turn our attention to.

2 Q. When you say, "what major they are," is  
3 that the major that they indicate on their  
4 application?

5 A. Correct.

6 Q. Do you know why the off -- admissions  
7 office uses race?

8 A. I don't.

9 Q. Have you had conversations with anybody  
10 in the admissions office as to why you use race  
11 when evaluating candidates?

12 A. No.

13 Q. Do you know what the ultimate goal is of  
14 using race in the admissions process?

15 A. I don't.

16 Q. You never had conversations about what  
17 the ultimate goal is in -- for using race?

18 A. No.

19 Q. Have you ever heard the term, "critical  
20 mass"?

21 A. I have.

22 Q. What do you understand "critical mass"  
23 to mean?

24 A. I don't really understand what it is.  
25 I've just heard it being used before.

1           Q.    Have you heard it within the admissions  
2 office?

3           A.    Yes.

4           Q.    In what context have you heard it?

5           A.    Related to when we were recruiting  
6 students for undergraduate admissions ambassador  
7 program for which -- over which I oversaw. I had  
8 a conversation with somebody related -- in our  
9 diversity multi-cultural affairs office about  
10 critical mass and that's really the main context.

11          Q.    And, when you had those discussions, did  
12 anybody talk about what critical mass -- what the  
13 definition of critical mass is?

14          A.    No.

15          Q.    When the admissions office uses the  
16 term, "underrepresented minority," does that  
17 include Asian American applicants?

18          A.    Not to my knowledge.

19          Q.    Do you know why it doesn't include Asian  
20 American applicants?

21          A.    I don't.

22          Q.    You're being handed what's been marked  
23 as Exhibit 2.

24                (EXHIBIT NUMBER 2 WAS MARKED)

25          Q.    Just take a moment to familiarize

1       yourself with that document.

2       (Witness examined document)

3           Q.    Are you familiar with this document?

4           A.    I believe so.

5           Q.    And what is it?

6           A.    I believe it's a our reading document  
7 that we use for admissions of -- evaluation of our  
8 candidates.

9           Q.    So this is the document that admissions  
10 officers review to help guide them in how they  
11 review applications?

12                   MR. TULCHIN:  Objection.

13           A.    It's a document that we're handed at  
14 reader training and we're basically told this is  
15 the -- basically the guiding document that is  
16 basically the broad aspect of how we evaluate  
17 applications.

18           Q.    (Mr. Weir) The broad policy of the  
19 admissions office?  Okay.

20           A.    Yes.

21           Q.    And you said at reader -- I'm sorry.

22           A.    Sorry, I realized that I nodded my head  
23 so...

24       (Off-record comments)

25           Q.    So, you said at reader training this is

1       passed out. Is reader training something that  
2       happens every single year?

3           A.    Yes.

4           Q.    So you go through reader training every  
5       year despite that you have experience in reading  
6       applications?

7           A.    Yes.

8           Q.    And that's true for anybody that reads  
9       applications?

10          A.    Yes.

11          Q.    If you could turn to page 8 of this  
12       document. I believe it's the last page. If you  
13       could read the sentence starting with, "consistent  
14       with the supreme court's decision."

15          A.    Okay.

16          Q.    If you could read that for me.

17          A.    The whole sentence?

18          Q.    The whole sentence, please.

19          A.    "Consistent with the Supreme Court's  
20       decision in Grutter, the race or ethnicity of any  
21       student may or may not receive a plus in the  
22       evaluation process, depending on the individual  
23       circumstances revealed in the student's  
24       application."

25          Q.    So what is meant by the word, "plus"?

1           A.     I'm not sure.

2           Q.     This is the document that you received  
3 during reader training but you're not sure what  
4 the word "plus" means?

5           A.     Correct.

6           Q.     What do you think it means?

7           A.     I'm not sure. It's not something that I  
8 feel like is ever something I ever think about or  
9 ever comes up in our conversations when we talk  
10 about applicants.

11          Q.     So you never have conversations in the  
12 office as to whether a student should receive a  
13 plus due to his or her race or ethnicity?

14          A.     I wouldn't say we talk about it as being  
15 a plus. That's just not the way that we discuss  
16 applications.

17          Q.     During reader training, have -- have you  
18 ever discussed this sentence here with anybody?

19          A.     Not that I can remember.

20          Q.     So you don't know whether any applicant  
21 receives a pl -- whether a -- excuse me, let me  
22 rephrase that.

23                 You don't -- do you know whether any  
24 applicants receive a "plus" due to their race or  
25 ethnicity in the admissions off -- process?

1 in the office about that?

2 A. No.

3 (EXHIBIT NUMBER 3 WAS MARKED)

4 Q. Just take a moment to familiarize  
5 yourself with this document.

6 (Witness examined document)

7 Q. Have you reviewed it?

8 A. Yes.

9 Q. I just want to draw your attention to  
10 the email on the bottom of the first page, I  
11 believe from yourself to Jen Kretchmar. You  
12 state, "Can you tell me how many of our priority  
13 groups from last year overlap?" Who are the  
14 priority groups?

15 A. They would be the groups that are listed  
16 here below.

17 Q. So, Top NC is a priority group?

18 A. Correct.

19 Q. First generation college is a priority  
20 group?

21 A. Yes.

22 Q. Underrepresented minorities are a  
23 priority group?

24 A. Yes.

25 Q. And by underrepresented minorities, as



1 list?

2 A. No.

3 Q. You don't know who makes those decisions  
4 in the office?

5 A. I don't.

6 Q. Do you ever nominate students to be  
7 admitted off of the wait list for someone else to  
8 make the ultimate decision?

9 A. Yes.

10 Q. Okay. And how do you go about that  
11 process of nominating a student?

12 A. I send an email on to a colleague. It's  
13 just a short one to two sentence description of  
14 why they should be considered.

15 Q. And do you do that regularly after the  
16 deposit deadlines or how -- how do you go about  
17 doing that? Do you get asked to nominate  
18 somebody? I'm just trying to get a feel for the  
19 process.

20 MR. TULCHIN: Objection.

21 A. I -- so will you rephrase your question?

22 Q. (Mr. Weir) Sure. I -- I just -- when  
23 will you nominate a -- a student to be admitted  
24 off of the wait list? When does that happen?

25 A. I can't remember exactly when it happens

1 but, we get an email from a colleague asking us to  
2 respond with any students that we would like to  
3 ask to be considered to be -- considered to be  
4 admitted off the wait list.

5 Q. And -- and which colleague will email  
6 you?

7 A. This past year or -- do you have a time  
8 that ---

9 Q. Sure, yeah. Just -- let's just say this  
10 -- this year.

11 A. So, like, this year it was Ni -- Ni-Eric  
12 Perkins.

13 Q. And what about last year?

14 A. Mm, I don't remember last year.

15 Q. What about the year before?

16 A. I don't remember.

17 Q. Okay. When you get asked to nominate a  
18 student off of the wait list, how do you go about  
19 picking which student to nominate?

20 A. Usually it's a student that I've formed  
21 a close personal relationship with or a student  
22 that I read that I thought was particularly  
23 compelling to me.

24 Q. So when you're going through the 1500  
25 applications that you're reading over the course

1 of a year, you'll remember a handful of students  
2 that you think have compelling stories that you  
3 think should be admitted to UNC. And then you  
4 would hold on to those toward -- at the end for  
5 the wait list process? Is that how you do it?

6 MR. TULCHIN: Objection.

7 A. There's typically -- yeah, a student  
8 that I remember reading in the evaluation process  
9 and will hang on to to see, kind of, what happens  
10 to them and if I see that they're on the wait  
11 list, then that might be a time that I would  
12 advocate for them.

13 Q. (Mr. Weir) So it's somebody -- okay, I  
14 got it.

15 (EXHIBIT NUMBER 9 WAS MARKED)

16 You've been handed what's marked as  
17 Exhibit Number 9. Please take a -- a moment to  
18 review that document.

19 (Witness examined document)

20 A. Okay.

21 Q. (Mr. Weir) And what is this document  
22 there?

23 A. Looks like an email from Jen Kretchmar.

24 Q. And the attachment?

25 (Witness examined document)

1           Q.    I just want you to confirm that this --  
2           these are individuals that were invited to this  
3           event.

4           A.    Okay.  NC top PSAT, 140 plus or 1400  
5           plus; NC top ACT, Top NC 32 to 36.

6           Q.    Can I just stop you there for a sec --  
7           for the first line is that students who received  
8           either a 140 or better or 14 -- on the PSAT or a  
9           1400 or better on the SA -- SAT?

10          A.    I'm not sure, actually.

11          Q.    You drafted this document, didn't you?

12          A.    I copied this information, I believe,  
13          from what Michael Davis had given me in terms of  
14          what he wanted to invite.

15          Q.    So, I'll represent to you that seven  
16          days ago Michael Davis testified that he copied  
17          this information from you.

18          A.    Mm.

19                   MR. TULCHIN:  Is there a question  
20          there, Bryan?

21                   MR. WEIR:  Yeah.

22          Q.    (Mr. Weir)  Do you know what this  
23          information is?

24          A.    I know it's the students that we invited  
25          and ---

1 Q. Okay. And who are these students?

2 A. --- they're ---

3 Q. Who did you invite to -- to Carolina and  
4 Beyond?

5 A. These students that are listed here.

6 Q. Okay. So did you invite students who  
7 got a 140 or better or 1400 or better on the SAT?

8 A. I think that's PSAT. It says 140 plus  
9 or 1400 plus for PSAT.

10 Q. Okay. So did you invite the Carolina  
11 and Beyond students who got a 140 or better  
12 on the PSAT and students who -- or students who  
13 got a 1400 or better on the SAT?

14 MR. TULCHIN: Objection.

15 A. Whatever's listed there, that is what we  
16 invited.

17 Q. That's who you invited?

18 A. Yes.

19 Q. So you invited also, if you go down to  
20 the one, two, three, four -- the fifth line down,  
21 "NC other PSAT." You invited students who were  
22 underrepresented. They got between a 110 and a  
23 129 on the PSAT or 1100 -- between an 1100 and a  
24 1290 on the SAT?

25 A. If that's what's listed there, then,

1       yes, that's what we invited.

2           Q.     Okay. Did you invite students who were  
3       not underrepresented who had those same test  
4       scores?

5       (Witness examined document)

6           A.     I'm not sure what the test score bands  
7       are for the -- the three names that are below the  
8       box where it says "out-of-state other ACT and see  
9       low SES PSAT and NC SES ACT." So, I'm not -- I --  
10      I don't know if I could answer that because I  
11      don't know what the other test score bands are.

12          Q.     Did you invite students from a list  
13      called "OOS, other SAT"?

14          A.     If it's listed there, then -- well,  
15      actually, I don't -- maybe I -- actually I know  
16      that this was a working document. Actually I  
17      don't -- I guess I should say I'm not actually  
18      sure that we actually invited these students.

19          Q.     Okay. So it's a working document  
20      proposing who to invite to this?

21          A.     Yeah.

22          Q.     Did you propose that UNC invite students  
23      in this band, underrepresented students who  
24      received a 110 -- between a 110 and 129 on the  
25      PSAT or between 1100 and a 1290 on the SAT?

1           A.     Well, we -- I think we would go lower on  
2     the testing for our underrepresented students than  
3     we would for our Asian & Caucasian students.

4           Q.     (Mr. Weir) And that would -- and what  
5     was the purpose for that?

6           A.     In order to make sure that we are  
7     including more students.

8           Q.     So you -- the thresholds were lowered  
9     for Chancellor's Science Scholars so as to  
10    increase the pool of URMs that were included in  
11    the pool to the committee?

12          A.     We -- we did go lower on test scores for  
13    underrepresented students in order to make sure  
14    that we had enough students in the pool to hand  
15    over to the Chancellor's Science Scholar  
16    committee.

17          Q.     In the -- not in the Chancellor's  
18    Science Scholars program, but in the -- in reading  
19    applications for admission, are -- do you take  
20    into account that "demographic backgrounds" can  
21    affect testing when you're evaluating applicants?

22          A.     Yes.

23          Q.     You do? And how do you take that into  
24    account?

25          A.     In understanding that test scores from

1 underrepresented minorities might be lower than it  
2 could be for non-underrepresented students.

3 Q. Is that -- are you instructed to take  
4 that in account as a policy?

5 A. I don't recall. I don't know.

6 Q. When you're getting -- I think you  
7 testified earlier that there's reader training at  
8 the beginning of every year. Is that correct?

9 A. That is correct.

10 Q. During that reader training, do -- is  
11 there a discussion of the demographic background  
12 of URM students and how that can affect testing?

13 A. I -- I don't know if it has been or not.  
14 I know at least one year we were given historical  
15 national averages, but I don't know. I know that  
16 happened one year, but I don't remember if it's  
17 happened beyond then.

18 Q. Okay. And what year was that?

19 A. I don't remember.

20 Q. Was it in the last year or two?

21 A. I'm not sure.

22 Q. You can't ballpark when it is?

23 A. Honestly, I can't.

24 Q. Okay. And who gave you that  
25 information?



1 MR. TULCHIN: Objection. It's not  
2 what he testified to at all.

3 A. Will you repeat the question?

4 Q. (Mr. Weir) Sure. At some point in your  
5 tenure at the University of North Carolina's  
6 admissions office, were you instructed to take  
7 into account that demographic backgrounds can  
8 affect testing with URM students?

9 A. I remember at one point during reader  
10 training that we were shown national averages for  
11 various ethnic groups of students and that is what  
12 I remember.

13 Q. Okay. You don't remember who showed you  
14 that information?

15 A. I do not.

16 Q. Who generally conducts the reader  
17 training?

18 A. It depends on which part of it.

19 Q. This particular part -- testing -- test  
20 scores.

21 A. I wouldn't say test scores are normally  
22 a large part of our reader training.

23 Q. I understand that. But when you do have  
24 reader training on test scores, who generally is  
25 the person that handles that?

1 MR. TULCHIN: Objection.

2 A. I can't remember testing ever beyond  
3 that one time. I don't remember testing being a  
4 common part or being a part of reader training.

5 Q. (Mr. Weir) So when you are taking this  
6 information into account -- the demographic  
7 backgrounds of URMs -- explain to me how you do  
8 that for Hispanic students.

9 A. I'm sorry. Will you repeat what you  
10 said again?

11 Q. Sure. You testified earlier that you  
12 take into account that demographic backgrounds can  
13 affect testing. And specifically, you testified  
14 that URM students typically have lower test scores  
15 nationally. So how do you take that information  
16 into account when you're evaluating a Hispanic  
17 students application?

18 A. I understand that the test score could  
19 be lower for an underrepresented group, such as  
20 Hispanic students.

21 Q. What if the student is, let's say,  
22 upper-class Hispanic student? How would that  
23 change your analysis, if at all?

24 A. What do you mean by "change my  
25 analysis"?

1           Q.    Your analysis as how to treat -- treat  
2   that particular applicant's test scores.

3           A.    I would take the test scores at what  
4   they are.

5           Q.    So, when you look at Hispanic  
6   applicants' test scores, do you always take into  
7   account that Hispanics, on a national level, have  
8   lower test scores?

9           A.    I mean, I -- I look at all the factors  
10   that are there and I see the test scores. I see  
11   the ethnicity. I see all the other factors and, I  
12   mean, all of it comes together in helping me form  
13   my composite picture of the -- of the individual.

14          Q.    So, for all Hispanics -- when you're  
15   reading Hispanics -- I just want to make sure I  
16   understand what you're saying. When you're  
17   reading Hispanic applications, in the back of your  
18   mind, you're always taking into account that  
19   Hispanics, on a national level, have lower test  
20   scores?

21                   MR. TULCHIN:  Objection.

22          A.    Well, I wouldn't say I just read  
23   Hispanic applications. But, if I'm reading an  
24   application and I see that the student is  
25   Hispanic, then -- yes, I know that on average,

1 Hispanic students do score lower, nationally, on  
2 standardized testing. So, that is -- yes, I do  
3 realize that.

4 Q. (Mr. Weir) What is your understanding  
5 of how -- how Asian Americans test on a national  
6 average?

7 A. That they test higher than African  
8 American, Hispanic/Latino and the American Indian.

9 Q. Do you take that into account when  
10 you're reading applications from Asian American  
11 students?

12 A. Yes. That is one of the things I keep  
13 in mind.

14 Q. Do you treat all Asian American students  
15 the same in that regard?

16 A. In what regard?

17 Q. In regard to their -- the national  
18 average of their testing scores?

19 A. Yes. But I also know that, I mean,  
20 they're allotted for factors that come into play  
21 for each and every applicant. First generation  
22 college student, students from lower socioeconomic  
23 backgrounds; I mean, there's -- there's lots of  
24 factors that can affect testing ---

25 Q. Sure.

1 Asian American applicants and African American  
2 applicants has nothing to do with the race of  
3 those two and -- two groups?

4 MR. TULCHIN: Objection.

5 A. I would see the test score for an Asian  
6 American or Asian just like I would see the test  
7 score for an African American.

8 Q. (Mr. Weir) I believe you testified  
9 earlier that the demographic background of these  
10 two groups causes you to look at their test scores  
11 differently. Are you changing your ---

12 MR. TULCHIN: Objection.

13 Q. (Mr. Weir) --- testimony from before?

14 MR. TULCHIN: It's not what he  
15 testified to at all.

16 A. I'm sorry. Repeat your question?

17 Q. (Mr. Weir) Sure. I believe you  
18 testified earlier, and please correct me if I'm  
19 wrong, that the demographic background of -- that  
20 demographic backgrounds can affect testing and  
21 then, as a result, because African American  
22 students, on national average, have lower test  
23 scores, you look at their test scores through that  
24 lens.

25 A. Yes. That is correct.

1       that's a -- "likely admissible" is a reference to  
2       those test scores?

3           A.    I can't answer that question.  I don't  
4       know how to answer that.

5           Q.    Okay.  All right.  1400 on the SAT and  
6       32 on the ACT, that's Top NC students, right?

7           A.    That is correct.

8           Q.    Okay.

9           A.    That is the criteria that we have used  
10      for the testing portion in Top NC.

11          Q.    And what do you mean by "majority"  
12      there?

13          A.    Non-underrepresented.

14          Q.    Okay.  So that includes Asian American  
15      students?

16          A.    That is correct.

17          Q.    And how do you know that to be the case?

18          A.    I'm sorry?  What do you mean?

19          Q.    Well, you've testified a couple other  
20      things that you don't know what you meant by that,  
21      but how do you know that's what you mean by  
22      "majority"?

23          A.    Because that's a common term that we  
24      use.

25          Q.    Are you aware that Asian Americans are,

1 in fact, in the majority?

2 A. It's just a phrase that we've used in the  
3 he past and that's what I've come to understand it  
4 to mean.

5 Q. Okay. So other people in the admissions  
6 office, when they refer to "majority" they mean  
7 Caucasian and Asian American students?

8 A. As far as I'm aware.

9 Q. Okay. Is that a common term used in the  
10 admissions office?

11 A. I don't know how common it is. I know  
12 others have used it.

13 Q. Okay. After the colon there, the  
14 semicolon, 1100 or 24 URM. Is URM a reference to  
15 Hispanic, African American and Asian -- and  
16 American Indian students?

17 A. Yes.

18 Q. Okay. And what is the reference to  
19 "Eight in performance"?

20 A. What do you mean?

21 Q. What does that mean, "eight in  
22 performance"?

23 A. That's a performance rating that we  
24 have. We have performance ratings that go from  
25 one to ten.